

Norris, McLaughlin & Marcus, P.A.220 East 42nd Street, 30th Floor
New York, NY 10017

If each inventor understands English, the Declaration and Power of Attorney below is suitable for use when filing a regular patent application and also when entering the national stage, in the case of an International application designating the USA under the PCT.

**COMBINED DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION**

 Attorney Docket No.
101195-

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below at 201) or an original, first and joint inventor (if plural names are listed below at 201-210) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Therapy and Use of Compounds in Therapy

the specification of which (check one)

☐ is attached hereto

☒ was filed on 9 March 2000

 under Serial Number PCT/EP00/02062 and was amended on _____
(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I list below any prior foreign application(s) for patent or inventor's certificate in respect of which foreign priority benefits are claimed under 35 USC 119; and any prior foreign application(s) for patent or inventor's certificate in respect of which such foreign priority rights are not claimed and which has a filing date before that of any application in respect of which such foreign priority benefits are claimed:

Application Number	Country	Filing Date (day, month, year)	Priority Claimed under 35 USC 119
9905315.9	Great Britain	9 March 1999	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>
9905300.1	Great Britain	9 March 1999	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>
9905310.0	Great Britain	9 March 1999	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>
9905307.6	Great Britain	9 March 1999	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>
9905314.2	Great Britain	9 March 1999	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date

Combined Declaration and Power of Attorney

101195-

Page 2

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transmit all business in the Patent and Trademark Office connected therewith:

8
 Bruce S. Londa (33,531) Lorimer P. Brooks (15,155) William R. Robinson (27,224)
 Kurt G. Brisco (33,141) William C. Gerstenzang (27,552) Robert A. Hyde (46,354)
 Davy E. Zonerach (37,267) Mark A. Montana (44,948)

201 1-00	Family Name <u>ANKER</u> City of Residence <u>Berlin</u> Post Office Address <u>Hedrichplatz 25</u>	First Given Name <u>Stefan</u> State or Foreign Country <u>Germany</u> City <u>D-10367 Berlin</u>	Second Given Name Country of Citizenship <u>Germany</u> DEX State & ZIP/Country <u>Germany</u>
202 2-00	Family Name <u>COATS</u> City of Residence <u>London</u> Post Office Address <u>105 A Cadogan Gardens</u>	First Given Name <u>Andrew</u> State or Foreign Country <u>Great Britain</u> City <u>London SW3 2RF</u>	Second Given Name Country of Citizenship <u>Australia</u> GBA State & ZIP/Country <u>Great Britain</u>
203 3-00	Family Name <u>VOLK</u> City of Residence <u>Berlin</u> Post Office Address <u>Rathausstrasse 11</u>	First Given Name <u>Hans-Dieter</u> State or Foreign Country <u>Germany</u> City <u>D-10178 Berlin</u>	Second Given Name Country of Citizenship <u>Germany</u> DEX State & ZIP/Country <u>Germany</u>
204 4-00	Family Name <u>SCHUMANN</u> City of Residence <u>Zepernick Berlin</u> Post Office Address <u>Rothstr. 18</u> <u>Bushenslee 104</u>	First Given Name <u>Ralf</u> State or Foreign Country <u>Germany</u> City <u>D-13407 Berlin</u> <u>D-16341 Zepernick</u>	Second Given Name <u>Reiner</u> Country of Citizenship <u>Germany</u> DEX State & ZIP/Country <u>Germany</u>

Combined Declaration and Power of Attorney

101195-

Page 3

205 5-w	Family Name	First Given Name	Second Given Name
	<u>PLAUTH</u>	<u>Mathias</u>	
	City of Residence	State or Foreign Country	Country of Citizenship
	<u>Berlin</u>	<u>Germany</u>	<u>Germany</u> DEX
206 6-w	Post Office Address	City	State & ZIP/Country
	<u>Paderbornerstrasse 9</u>	<u>D-10709 Berlin</u>	<u>Germany</u>
	Family Name	First Given Name	Second Given Name
	<u>LOCHS</u>	<u>Herbert</u>	
207	City of Residence	State or Foreign Country	Country of Citizenship
	<u>Berlin</u>	<u>Germany</u>	<u>Germany</u> DEX
	Post Office Address	City	State & ZIP/Country
	<u>Helmstedter Strasse 8</u>	<u>D-10717 Berlin</u>	<u>Germany</u>
208	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country
209	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

Combined Declaration and Power of Attorney

101195-

Page 4

210	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201	<i>[Signature]</i>	Date	27/11/01
Signature of Inventor 202	<i>[Signature]</i>	Date	28/11/01
Signature of Inventor 203		Date	
Signature of Inventor 204		Date	
Signature of Inventor 205		Date	
Signature of Inventor 206		Date	
Signature of Inventor 207		Date	
Signature of Inventor 208		Date	
Signature of Inventor 209		Date	
Signature of Inventor 210		Date	

Combined Declaration and Power of Attorney

101195-

Page 4

210	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201	<i>[Signature]</i>	Date	27/11/01
Signature of Inventor 202	<i>[Signature]</i>	Date	28/11/01
Signature of Inventor 203	<i>[Signature]</i>	Date	26/11/02
Signature of Inventor 204		Date	
Signature of Inventor 205		Date	
Signature of Inventor 206		Date	
Signature of Inventor 207		Date	
Signature of Inventor 208		Date	
Signature of Inventor 209		Date	
Signature of Inventor 210		Date	

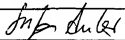

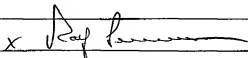
Combined Declaration and Power of Attorney

101195-

Page 4

210	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201		Date	27/11/01
Signature of Inventor 202		Date	28/11/01
Signature of Inventor 203		Date	
Signature of Inventor 204	x 	Date	x 20/12/01
Signature of Inventor 205		Date	
Signature of Inventor 206		Date	
Signature of Inventor 207		Date	
Signature of Inventor 208		Date	
Signature of Inventor 209		Date	
Signature of Inventor 210		Date	

Combined Declaration and Power of Attorney

101195-

Page 4

210	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201	<i>[Signature]</i>	Date	27/11/01
Signature of Inventor 202	<i>[Signature]</i>	Date	28/11/01
Signature of Inventor 203		Date	
Signature of Inventor 204		Date	
Signature of Inventor 205	<i>[Signature]</i>	Date	18/12/01
Signature of Inventor 206		Date	
Signature of Inventor 207		Date	
Signature of Inventor 208		Date	
Signature of Inventor 209		Date	
Signature of Inventor 210		Date	

Combined Declaration and Power of Attorney

101195-

Page 4

210	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201	<i>John Duke</i>	Date	27/11/01
Signature of Inventor 202	<i>AD</i>	Date	28/11/01
Signature of Inventor 203		Date	
Signature of Inventor 204		Date	
Signature of Inventor 205		Date	
Signature of Inventor 206	<i>x Al Rodin</i>	Date	<i>x 21.1.02</i>
Signature of Inventor 207		Date	
Signature of Inventor 208		Date	
Signature of Inventor 209		Date	
Signature of Inventor 210		Date	

FORM PTO-1593 (Modified)
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

101195-65

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

10/019,452

INTERNATIONAL APPLICATION NO.

PCT/EP00/02062

INTERNATIONAL FILING DATE

9 March 2000 (09.03.00)

PRIORITY DATE CLAIMED

9 March 1999 (09.03.99)

TITLE OF INVENTION

Therapy and Use of Compounds in Therapy

APPLICANT(S) FOR DO/EO/US

Stefan Anker; Andres Coates; Hans-Dieter Volk; Ralf Reiner Schumann; Mathias Plauth

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

The surcharge for the late filing of the declaration was paid at the time of filing; the Notification of Missing Requirements has not as yet been received.

24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1)-(5)) :

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =	0	x \$18.00	\$0.00
Independent claims	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$0.00

TOTAL OF ABOVE CALCULATIONS =

\$0.00

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$0.00

SUBTOTAL =

\$0.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

\$0.00

TOTAL NATIONAL FEE =

\$0.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

☐

\$0.00

TOTAL FEES ENCLOSED =

\$0.00

Amount to be:
refunded
charged

\$

\$

- a. ☐ A check in the amount of _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1263 A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

correspondence address associated with Customer No. 27387

SIGNATURE

Bruce S. Londa

NAME

33,531

REGISTRATION NUMBER

February 25, 2002

DATE

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Stefan Anker et al.

Docket No.

101195-65

Serial No.

10/019,452

Filing Date

Oct. 19, 2001

Examiner

TBA

Group Art Unit

TBA

Invention: **Therapy and Use of Compounds in Therapy**

I hereby certify that the following correspondence:

Declaration

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

Feb. 25, 2002

(Date)

Kathleen D. Monical

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EV 015941756 US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.